90th Legislative Session – 2015

Committee: Senate State Affairs   Wednesday, January 28, 2015

                                                                                    P - Present
                                                                                    E - Excused
                                                                                    A - Absent

Roll Call

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Tim Rave, Chair .

MOTION: TO APPROVE THE MINUTES OF JAN. 26, 2015

Moved by: Holien
Second by: Solano
Action: Prevailed by voice vote.

        SB 71: continue the Jolene's Law Task Force for an additional year, revise the membership
        of the task force, and to declare an emergency.

Presented by: Senator Deb Soholt (Handouts: #1)
Proponents: Representative Peggy Gibson
               Casey Murschel, Child Advocacy Center of SD
               Jolene Loetscher, Self
               Dale Bartscher, Family Heritage Alliance
               Dianna Miller, SD Counseling Association, Sioux Falls
               Colleen Winter, Department of Health
               Matt Krogman, SD Voices for Children Against Family Violence
               Melody Schopp, Secretary Department of Education
               Deb Fischer Clemens, Avera
               Virgena Wieseler, Department of Social Services

Opponents: None

MOTION: DO PASS SB 71

Moved by: Soholt
Second by: Sutton
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Holien, Hunhoff (Bernie), Lederman, Otten (Ernie), Soholt, Solano, Sutton, Brown,
                 Rave

          SB 70: require that a mandatory child abuse reporter be present and available to answer
          questions when the initial report regarding abuse or neglect is made to authorities.

Presented by: Senator Deb Soholt
Proponents: Hollie Strand, Self
                 Cameron Corey, Department of Criminal Investigation (Handouts: #2)
                 Michael Moore, Self
                 Virgena Wieseler, Department of Social Services
                 Casey Murschel, Child Advocacy Center of SD
                 Matt Krogman, SD Voices for Children Against Family Violence
                 Deb Fischer Clemens, Avera
Opponents: None

MOTION: AMEND SB 70

                                                                                                        70ra

     On page 1, line 10, of the printed bill, after "of" insert "the".

     On page 1, line 10, delete "present and".

Moved by: Solano
Second by: Holien
Action: Prevailed by voice vote.

MOTION: DO PASS SB 70 AS AMENDED

Moved by: Soholt
Second by: Holien
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Holien, Hunhoff (Bernie), Lederman, Otten (Ernie), Soholt, Solano, Sutton, Brown,

Rave

MOTION: AMEND TITLE OF SB 70

70rtb

On page 1, line 1, of the printed bill, delete everything after "that" and insert "the mandatory reporter who witnessed the disclosure or evidence of child abuse or neglect be available to answer questions when the initial report is made.".

On page 1, delete lines 2 and 3.

Moved by: Solano
Second by: Holien
Action: Prevailed by voice vote.

SB 69: revise certain provisions regarding elections and election petitions.

Presented by: Senator Corey Brown

MOTION: AMEND SB 69

69fd

On page 10, after line 19 of the printed bill, insert:

"   Section 18. That § 12-6-56 be amended to read as follows:

12-6-56. If a vacancy occurs by reason of a death or a withdrawal as authorized by section 19 of this Act after a primary election, a party candidate for public office may be replaced by a new nominee if a meeting of the appropriate party central committee is held and the results are certified to the appropriate official within the times prescribed by § 12-8-6. If the vacancy is a party candidate for presidential elector or statewide office, the vacancy shall be filled by the State Party Central Committee. If the vacancy is a party candidate for public office other than presidential elector or statewide office, the vacancy shall be filled by a vote of county party central committee members in attendance who reside in the affected district.

Section 19. That chapter 12-6 be amended by adding thereto a NEW SECTION to read as follows:

If a party candidate for public office withdraws after filing petitions with the secretary of state,

the appropriate party central committee may make a replacement nominee only if:

(1)   The party candidate:

    (a)   Withdraws because of personal illness or illness of an immediate family member that was diagnosed after the petition filing and the illness prevents the candidate from performing the duties of the office sought; and

    (b)   Files with the withdrawal request a certificate describing the illness and signed by at least two licensed physicians;

(2)   There is no other nominee for the office sought by the withdrawing candidate as of the time of the withdrawal;

(3)   The party candidate has been elected or appointed to fill a vacancy in another elective office which duties conflict by law with the duties of the office sought, has become the nominee for another elective office, or is deceased; or

(4)   The party candidate permanently moves from his or her physical address stated in the nominating petition filed with the secretary of state, and swears and certifies under oath before the secretary of state that the candidate has not resided in the district for a period of thirty consecutive calendar days and has no intention of resuming residency in the district."

Moved by: Brown
Second by: Lederman
Action: Prevailed by voice vote.

MOTION: AMEND SB 69

                                                                                                                          69oc

    On page 10, after line 19 of the printed bill, insert:

"   Section 18. That chapter 12-6 be amended by adding thereto a NEW SECTION to read as follows:

    If no candidate submits petitions as a candidate for a legislative office from a recognized political party, the central committee members of the political party of the county or counties of that legislative district may elect a candidate, and that candidate may be appointed by the state party chair by the second Tuesday of June.".

Moved by: Hunhoff (Bernie)
Second by: Sutton
Action: Failed by roll call vote. (7-2-0-0)

Voting Yes: Hunhoff (Bernie), Lederman, Otten (Ernie), Soholt, Solano, Brown, Rave

Voting No: Holien, Sutton

MOTION: AMEND SB 69

69oh

On page 6, line 4, of the printed bill, overstrike "primary election by".

On page 6, line 5, before "submitting" insert "general election, but not the primary election, by".

On page 6, line 5, overstrike "last" and insert "second".

On page 6, line 5, delete "February" and insert "June".

On page 6, line 6, overstrike "prior to the date of the primary election".

On page 6, line 14, after "party" insert "that nominates all its nominees for public office by convention".

On page 6, line 14, overstrike "primary" and insert "general".

On page 6, between lines 19 and 20, insert:

"   Section 11. That § 12-5-1.1 be amended to read as follows:

    12-5-1.1. A political party shall adopt a ~~Constitution~~ constitution or a set of bylaws to govern its organization and the conduct of its affairs and exercise thereunder any power not inconsistent with laws of this state. The party central committee shall certify to and file with the secretary of state a copy of the document and amendments thereof within thirty days of their approval. If a new political party pursuant to § 12-5-1 is permitted to nominate candidates for all federal, state, and county partisan office by convention, the secretary of state may not accept the bylaws of the political party unless the bylaws provide that no convention delegate may participate in any convention nomination unless that delegate is eligible to vote for that nominee in the upcoming general election.

Section 12. That § 12-5-21 be amended to read as follows:

12-5-21. The state convention shall nominate candidates for lieutenant governor, attorney general, secretary of state, state auditor, state treasurer, commissioner of school and public lands, and public utilities commissioner and in the years when a President of the United States is to be elected, presidential electors and national committeeman and national committeewoman of the party. Any new party that pursuant to § 12-5-1 submitted a written declaration signed by at least two and one-half percent of the voters as shown by the total vote cast for Governor at the last preceding gubernatorial election after the second Tuesday in February, but on or before the second Tuesday in June, shall nominate all its candidates for federal and partisan state and county office at the state convention.".

Moved by: Hunhoff (Bernie)
Second by: Sutton
Action: Failed by voice vote.

MOTION: AMEND SB 69

69ca

On page 3, line 23, of the printed bill, overstrike "may not".

On page 3, line 23, overstrike "either".

On page 3, line 24, after "nominating" insert "for".

On page 3, line 24, overstrike "or a nonpolitical".

On page 3, line 24, overstrike "if the person has not".

On page 4, line 1, overstrike everything before ".".

Moved by: Otten (Ernie)
Second by: Holien
Action: Prevailed by voice vote.

MOTION: AMEND SB 69

69fe

On page 4, line 12, of the printed bill, overstrike "total combined vote cast for Governor at the last certified gubernatorial election" and insert "<u>voters registered as an independent</u>".

On page 10, line 12, overstrike "total combined vote cast for Governor at the" and insert "<u>voters registered as an independent</u>".

On page 10, line 13, overstrike everything before "within" .

Moved by: Brown
Second by: Lederman
Action: Prevailed by voice vote.

<u>MOTION:</u>   DO PASS SB 69 AS AMENDED

Moved by: Brown
Second by: Holien
Action: Prevailed by roll call vote. (7-2-0-0)

Voting Yes: Holien, Lederman, Otten (Ernie), Soholt, Solano, Brown, Rave

Voting No: Hunhoff (Bernie), Sutton

<u>MOTION:</u>   ADJOURN

Moved by: Otten (Ernie)
Second by: Brown
Action: Prevailed by voice vote.

Theresa Riggs   _____
Committee Secretary   Tim Rave, Chair